

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

LANDS – Hyderabad District – Musheerabad Mandal – Suits – WP No. 10801 of 2005 filed by M/s DBR Mills Limited – Entrusting the case to the Advocate General, High Court of A.P. – Ratification – Orders – Issued.

Revenue (Assignments.III) Department

G.O. Rt. No. 1671

Dated 25.11.2009.
Read the following :-

From the Collector – Hyderabad Letter No, LPO2/3916/2008, dated 22.9.2009 addressed to the Advocate General copy marked to Government.

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ORDER :

In the reference read above, the District Collector Hyderabad has reported that DBR Mills Limited have filed W.P. No. 10801/2005 and obtained Interim Stay in WP MP No. 13892/2005 on 29.4.2005 to restrain the respondents i.e. the Collector, Hyderabad and the then Mandal Revenue Officer, Musheerabad from interfering with the petitioners possession and enjoyment of the land in Sy. No. 157/1, 157/2, 157/3, 158/1 and 158/2 of Bakaram Village.

2. The DBR Mills is located at Lower Tank Bund and situated in Sy. No.157/1, 157/2, 157/3, 158/1, 159/1 at Bakaram (V), Musheerabad (M), Hyderabad District. As per the revenue records, the land in the above Sy. Nos were classified as "Panmaqta/Mafi Inam" land. "Panmaqta" means, the nominal amount fixed on the grant of Maqta to preserve rights of the Government over the land granted. In the instant case, the land in question was given as a Jagir/grant to Mr. Shapoorji son of Edulji Secretary State Paigha and Maktdar of Gaganmahal Maktha Elchi Biguda, by the Office of Deputy Commissioner Inam Inquiry Sube Bidar for the year 1307 Fasli (1898 AD). In column No.10 of the said Muntakhab, dated 1898 A.D. the details of grant with name is enumerated. As per the muntakhab, the land in question is recorded as Maktha land. Predecessor of R.S. Chenoy were beneficiaries of revenue of these lands and proprietor rights vested with the Government. Panmaktha land holder is only entitled to receive the revenue realized from the same land. Sri Shapoorji is the Panmaktha land holder as per the preliminary Muntakab. Thus, it is clear that Shapoorji has no title, right in the land in question except receiving the revenue. The ownership of the land vested in the Government. As per the revenue records the nature of the land is shown to be a Government land.

3. While the matter stood thus, the D.B.R. Mills established by Malani family has taken Ac. 22.07 gts of this Panmaktha land on perpetual lease from Mr. Shapoorji Chenoy vide registered lease deeds. Even though he has no right to lease out the land in the absence of the orders of the crown re-granting the grant to Mr. Shapoorji Chenoy.

4. The DBR Mills became financially sick the matter was referred to BIFR, the BIFR in Case No.109/87, passed order on 3.5.2007 and sanctioned with changes the proposal submitted by one Ranga Reddy Associates which was circulated by the Board vide its Order dated 28.5.1997. And the same was challenged by DBR Mills Limited, in WP No.11173 of 2007 and was allowed on 8.2.2008. Aggrieved by which, the Writ Appeal No. 391 of 2008 was filed by Ranga Reddy Associates to set aside the orders dated 8.2.2008 of Hon'ble High Court in W.P. No.11173 of 2008 and statusquo orders were also granted. The Government have decided to inform BIFR that the State Government is not interested in extending any type of concessions reliefs for revival of M/s DBR Mills Limited, the land is located in the heart of Hyderabad City and is not possible to run a polluting industry or any industry there and further requested the Government to implead themselves in W.A. No. 391/2008 and convey their stand to the Hon'ble Court and the learned Advocate General was requested to appear in this case.

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5. The CCCA No.329 & 350 of 2003, 74 and 131 of 2004 were filed against compromise deed in OS No. 69 of 2003 and the same were dismissed and the matter is carried to Hon'ble Supreme Court of India, New Delhi by the Employees Union represented by M.Srinivas and other. The intervention petition was filed by the Collector Hyderabad was rejected on 26.8.2008. The main SLP No. 19446 of 2005 filed by M.Srinivas & Others is dismissed on 13.8.2009.

6. Taking into the above circumstances the District Collector Hyderabad has requested the Learned Advocate General to take up the case along with W.A. No.391 of 2008 and defend the interest of the Government before the Hon'ble High Court and with a request to Government to ratify the action taken.

7. Government after careful examination of the matter and in consultation with Industries and Commerce Department hereby ratify the action of the District Collector Hyderabad in having entrusted the case to Learned Advocate General to take up the W.P. No. 10801/2005 along with WA No.391 of 2008 and other connected Court Cases on the subject land to defend the interest of the Government before the Hon'ble High Court.

8. The District Collector Hyderabad shall take necessary further action.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI
SECRETARY TO GOVERNMENT

To
The District Collector Hyd.
The Learned Advocate General
AP, Hyderabad (thro' Collr. Hyd.)

Copy to:
The P.S. to Secretary to Govt.
Industries & Commerce Deptt.
SF /SC

/ Forwarded :: By Order /

SECTION OFFICER